

LOUIS R. AIDALA

Attorney at Law
546 Fifth Avenue
New York, NY 10036

Ph: (212) 750 9700

Fax: (212) 750 8297

Via Fax and ECF

June 11, 2008

Hon. Harold Baer, Jr.
United States District Judge
United States Court House
500 Pearl St.
New York, NY 10007

Re: US v. Bryant de Los Santos
S4 07 Cr. 699 (HB)

Dear Judge Baer:

This letter supplements the sentencing memorandum on behalf of Bryant de Los Santos, which was filed with the Court on May 26, 2008.

Mr. De Los Santos was recently sentenced to one year on a NYS Supreme Court Violation of Probation (VOP) on Ind. # 3507/05. The basis for the violation was his conviction on the instant case. His surrender date on that case is June 24, 2008.

In addition to the requests set forth in the May 26, 2008 Sentencing Memorandum, it is counsel's intention to request that Your Honor run the sentence on the instant case concurrently with the sentence on the VOP. This is permissible under 18 USC 3584(a).

In a phone conversation with BOP Regional Counsel Hank Sadowski, counsel was advised that, should the Court grant the request for concurrent sentences, the Court should state on the record and include in the J&C Order that the sentence is to run concurrently with the state VOP sentence, and that the federal sentence should commence on the date Defendant is taken into state custody, which, in the instant case, is June 24, 2008.

The Court should designate the state facility as the place where Defendant will serve the first part of his federal sentence. This should all be clearly stated in the J&C order which is sent to the BOP. They will issue a detainer and pick up Defendant when he finishes his state sentence, and he will do the rest of the time in federal custody.

Mr. Sadowski further advised that defendant must enter NY State custody first, otherwise, NYS will not recognize any time spent in federal custody to be credited toward his NY State VOP sentence.

Therefore, should the Court agree to the request for concurrent sentences, it is respectfully requested that the Court continue Mr. De Los Santos' bail in the instant case and allow him to surrender to NY State authorities.

Respectfully,

Louis R. Aidala
Attorney for Bryant de los Santos

cc: Todd Blanche, AUSA